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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF ARIZONA**
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18 CENTER FOR BIOLOGICAL
DIVERSITY,

19 Plaintiff,

20 v.

21 UNITED STATES FISH & WILDLIFE
SERVICE,

22 Federal Defendant,
23

24 and

25 ARIZONA MINING ASSOCIATION,

26 Defendant-Intervenor.
27
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CASE NO. 4:08-CV-00535-TUC-FRZ-DTF

**JOINT STIPULATION TO STAY THE
SUMMARY JUDGMENT BRIEFING
SCHEDULE**

1 Plaintiff Center for Biological Diversity, Defendant United State Fish and Wildlife
2 Service, and Defendant-Intervenor Arizona Mining Association, hereby stipulate and
3 agree that the current schedule for briefing dispositive motions for summary judgment
4 may be vacated for the purpose of allowing the parties to engage in good faith settlement
5 discussions. If the parties have not reached a settlement of the case by December 15,
6 2009, they agree to file a Joint Status Report on that date concerning the status of their
7 settlement negotiations.

8 The parties are aware that the Court indicated in its August 24, 2009 Order that no
9 further extensions of the briefing schedule will be granted in the absence of extraordinary
10 circumstances. The parties submit that settlement should be encouraged in the interest of
11 judicial economy and, therefore, qualifies as an extraordinary circumstance. It is the
12 parties' intent to attempt, in good faith, to reach a settlement that would resolve all
13 matters presented in this litigation, rendering further briefing of dispositive motions
14 unnecessary.

15 For these reasons, and based on the parties' agreement to engage in good faith
16 settlement discussions, the parties respectfully request that the Court issue an order
17 vacating the current briefing schedule. A proposed form of order is submitted herewith
18 for the Court's convenience.

19
20 Dated: November 10, 2009

Respectfully Submitted,

21 /s/ Geoff Hickcox (by RDT)

22 GEOFF HICKCOX

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

UNITED STATES FISH & WILDLIFE
SERVICE,

Defendant.

CASE NO. 4:08-CV-00535-TUC-FRZ-DTF

CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Rickey D. Turner Jr.
RICKEY D. TURNER JR.